

September 8, 1975

Stewart C. Howell, Jr., Acting Director
Division of Mental Health
105 Pleasant Street
Concord, New Hampshire 03301

Dear Mr. Howell:

In following our conversation this morning concerning the applicability of RSA 171-B:14 I (1975 Laws, 242:1) to our letter to you dated August 23, 1975, it is the opinion of the Attorney General that the new statute is wholly consistent with the position taken in that letter.

It is noted that the statute states that "this person shall be deemed incompetent to vote... solely by reason of his developmental disability... of his admission to the mental health system..." (emphasis added). The purpose of the statute is the protection of a person so that patients in state mental health facilities cannot vote. It is noted that some patients may not be competent to vote. A reasonable interpretation of its language would permit the Division of Mental Health to determine on a case by case basis those patients who possess the requisite mental capacity to understand the nature of voting elections and to cast their vote in an intelligent manner.

If I can be of further assistance, please don't hesitate to write.

Very truly yours,

W. John Funk
Attorney
Consumer Protection Division

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cc: Colin Norberg, Esquire